

1881

STATEMENT AND REPORT

OF THE

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Citizens' Committee of Twenty-one

RESPECTING THE

EFFORTS TO PROCURE REFORM

IN THE SYSTEM OF

CLEANING THE STREETS

OF THE

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CITY OF NEW YORK.

P. 1404

NEW YORK :

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Committee of Twenty-one:

D. WILLIS JAMES,
JAMES GALLATIN,
THATCHER M. ADAMS,
LAWRENCE TURNURE,
JOHN L. CADWALADER,
MORRIS K. JESUP,
CORNELIUS VANDERBILT,
R. H. DERBY, M.D.,
CHARLES H. MARSHALL,
JOHN C. PETERS, M.D.,
WILLIAM A. COLE,

EDWARD PATTERSON,
WALTER H. LEWIS,
SAMUEL D. BABCOCK,
JAMES TALCOTT,*
BRAYTON IVES,
JESSE SELIGMAN,
WM. F. BRIDGE,
R. T. AUCHMUTY,†
HENRY E. PELLEW,
JACKSON S. SCHULTZ,
J. PIERPONT MORGAN.‡

* Resigned, and JOSIAH M. FISK elected in his place.

† Resigned, and J. H. HALL elected in his place.

‡ J. PIERPONT MORGAN added to the Committee.

Sub-Committee on Legislation:

JACKSON S. SCHULTZ,
MORRIS K. JESUP,
BRAYTON IVES,
EDWARD PATTERSON,

THATCHER M. ADAMS,
JOHN L. CADWALADER,
CHARLES H. MARSHALL,
HENRY E. PELLEW,

WALTER H. LEWIS.

Officers of Committee of Twenty-one:

D. WILLIS JAMES,	-	-	-	-	-	Chairman.
JESSE SELIGMAN,	-	-	-	-	-	Treasurer.
WILLIAM F. BRIDGE,	-	-	-	-	-	Secretary.

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STATEMENT AND REPORT.

To the Citizens of New York :

The following statement, and the copies of papers and documents appended to it, are submitted to the citizens of the City of New York as a record of the principal phases of the rise and progress of the movement recently undertaken to secure a permanent beneficial change in the matter of cleaning the streets of the city. It is proposed to narrate concisely the origin of the movement, its development, the efforts of the Committee of Twenty-one to accomplish its purpose, and the results of those efforts, culminating as they have in legislation demolishing the system of street cleaning in existence prior to June of the present year, but which legislation, for causes which will be mentioned in their appropriate place, does not accomplish the full object required by the people and advocated by the press of the City. The action of the Committee of Twenty-one will be stated in brief. To recount all that it has done in its numerous meetings, consultations with other bodies and with citizens, and conferences with State and municipal authorities, would consume too much space and make too large a volume for convenient use or for general reading.

It had long been evident that the system of street cleaning in vogue in New York was one better calculated to advance political interests than to secure cleanliness and health. At intervals, within the last four years, efforts had been made by private citizens and various associations organized for sanitary, political and municipal reform, to secure a change in the laws regulating the subject; but in every instance political considerations prevailed to defeat those efforts.

Early in the present year various circumstances forcibly attracted public attention to the utter failure of the municipal authorities to

perform their duties connected with cleaning the streets, and impressed our citizens with a deep sense of the dangers which threatened the welfare of the metropolis.

The unusually heavy snowfall during the winter months had been suffered to lie upon the ground and mingle with the ashes, garbage and street dirt until both had frozen into a solid mass. The early warm spring days melted this accumulation, which had been an eyesore and hindrance to travel for weeks, and created offensive and unwholesome exhalations. The entire city presented an abhorrent and humiliating spectacle. All classes of the community suffered from this shameful condition of things, and the public indignation grew ripe for action leading to reform.

There was no individual official who could be held responsible for the gross neglect, but only a board, composed of four commissioners, each member of which shifted the responsibility from himself to others. Vast sums had been appropriated to do the work, and an enormous machinery of carts, horses, workmen and inspectors (particularly the latter) was engaged in the pretence of street cleaning. But the results of this large outlay and elaborate machinery were trifling. In the face of the experience of other cities in the same line of administration, and despite the assurances of practical men that the work could be done with the means at hand and at even less outlay of public funds, the people of New York were compelled to submit to dangers and inconveniences which it is safe to say would not have been tolerated for so long a time in any other community. But at last the public patience was exhausted and the conviction became settled that no improvement was to be looked for from the action of the constituted authorities. The system of administration seemed to be at fault, and the conclusion was reached that only by changing this and inducing a radical alteration in the method of street cleaning could permanent and practical results be expected.

The Mayor, in his first annual message, referred pointedly to the foul state of the streets and the need of some better system of keeping them clean. The medical profession offered their testimony as to the evil consequences which threatened the public health if accumulations of dirt were allowed to remain in the public thoroughfares. At the annual meeting of the New York Academy of Medicine, Dr. Fordyce Barker, the incoming President, referred specially to the condition of the public health as affected by bad sewerage, filthy streets and a poisoned atmosphere, and said that the pecuniary loss to this city the present year from such preventible causes would, beyond all

question, exceed the city debt. The President of the Board of Health (Professor Chandler) stated that "the health of 1,200,000 persons is constantly menaced by the putrifying filth which covers the pavements and fills the street gutters." The public press took up the theme and earnestly demanded immediate action. The Sanitary Reform Society labored in the same direction, and some of its members called upon the Mayor and offered their services to aid in the work of prompt and efficient reform.

Finally the agitation, the real danger and the public indignation reached a climax in the early part of March last, and resulted in a call for a mass meeting of citizens. That call was as follows:

THE CITY MUST BE CLEANED.

The existing system of street cleaning in the City of New York has received a full trial and proved a complete failure.

Liberal appropriations are made annually without adequate result—the accumulated filth of the streets still continues to offend the eye, entailing disease and threatening pestilence, while it obstructs commerce and injures property.

Radical and immediate change is imperative.

Therefore we, the undersigned, citizens and taxpayers of New York, irrespective of party, do hereby call a mass meeting, to be held at Cooper Union, on Friday evening, March 18, 1881, at eight o'clock, to protest against the further continuance of a system which disregards the comfort and imperils the health of our metropolis, and to demand from our representatives in Senate and Assembly convened immediate action for relief in the premises.

So large and so notable was the list of signers to the call, including as it did the names of sixty physicians, nearly as many eminent clergymen, besides merchants, lawyers, bankers, philanthropists and representative citizens, without distinction of party or nationality, that it is given in full in the Appendix. No similar popular uprising had been seen in New York since the Union Square demonstration at the time of the attack on Fort Sumter, or the Anti-Ring mass meeting at the Cooper Institute in 1871.

The meeting was called to order by Mr. Wm. E. Dodge, who said that the merchant, the mechanic, the capitalist and the laboring man are deeply interested in the question whether New York shall be a clean and a healthy city. We have, therefore, determined to lay aside State and national politics, and to see to it that we have such a city. He then nominated Judge Charles P. Daly as Chairman. Mr. William Wood read a list of Vice-Presidents and Secretaries, after which Judge Daly made a few introductory remarks.

In his personal experience of half a century, New York had ever been the dirtiest city of equal extent with which he was familiar. He reviewed some of the efforts which had failed to bring about reform, and created immense enthusiasm by saying, in conclusion, that a morning journal had expressed the hope that this meeting would not end in oratory and resolutions ; he could say for a large number of those united in the movement that such should not be the result, but that the meeting *meant business*.

Dr. Alfred L. Loomis next appeared as a delegate from the New York Academy of Medicine to present a preamble and resolutions regarding the effect of the unclean streets on the public health. He incidentally discussed some of the causes of the alarmingly high mortality of New York, among which the large masses of putrescent animal and vegetable matter in the streets were important factors.

Rev. Robert Collyer spoke of the moral deterioration due to the dirt which defiles and deforms New York. He said : We are proud of this grand city, as she lifts herself to the sky, and well we may be, for New York is a marvel of splendor ; but, as I have walked through our streets this winter, I have had to wonder many a time whether there was quite such a mingling of magnificence and mud anywhere else on this planet ; and I remember, when I say this, I am not yet two years from Chicago. And as the city is, so are the citizens. There is as fine a manhood, I will venture to say, on this island as you shall find anywhere, and there is a manhood close of kin to the dirt we wade in and deplore, and the question we have to answer is, Which shall run New York ?

Mr. Sigsimund Kaufman, ex Commissioner of Emigration, made a spirited argument for the right of New York to regulate her local interests. When it had one of its foremost merchants as chief magistrate, a man who has at heart the welfare of the city, let him have full power to clean the streets, and he will not be found wanting.

Judge J. R. Brady spoke in a similar strain, and said that if the people of New York were resolved to have clean streets, they could get them within three months.

Mr. Morris K. Jesup next read the following resolutions :

Whereas, More than eight years have elapsed since the Board of Police became "vested with the power and charged with the duty of causing the streets of New York to be thoroughly cleaned and *kept* at all times thoroughly clean ;" and

Whereas, It is a matter of public notoriety that the streets entrusted to

their care have become, and continue to be, offensive to the eye, partially impassable for purposes of commerce, and hotbeds for the spread of disease ; and

Whereas, The Legislature of the State has failed from year to year to act upon any of the measures whereby relief has been sought, until the increasing death-rate among our population gives ominous warning of the results of further inaction ; therefore, be it

Resolved, That this meeting is convinced of the impossibility of keeping the streets of this city clean under the present system.

Resolved, That in our opinion there must be a separate Department, under a single responsible head, for the purpose of cleaning the streets and removing the ashes and garbage ; and that whatever system may be adopted, whether by contract or otherwise, fitness, not politics, shall govern the appointment of the employees.

Resolved, That in the name of the people of this city, we earnestly protest against any further continuance of this state of things, and we appeal to the Legislature for immediate and lasting relief.

Resolved, That a permanent Committee of twenty-one be appointed by the Chairman for the purpose of obtaining the requisite legislation, and report on the same.

Resolved, That when this meeting adjourn, it adjourn subject to the call of the Chairman.

Mr. D. Willis James made an earnest plea on behalf of the tens of thousands of sad, weary and pale-faced little children in our tenement houses, whose homes are so dark, and whose sole playground is the street, piled up with reeking dirt, garbage and filth. He thought there were no insurmountable obstacles in the way of cleaning the streets, and instanced Commander Gorrings's removal of the Obelisk as an illustration of the vast results which may be accomplished by selecting a competent, faithful man, and giving him the necessary power and responsibility.

Mr. Frederick R. Coudert spoke of the legal responsibility which belongs somewhere for the lives sacrificed in consequence of the neglect of the authorities to clean the city : if these officials could not do their duty, they should at least resign.

Mr. Charles H. Marshall, on behalf of the shipping interests of New York, protested against filling up the harbor and slips with refuse in a manner destructive to our commercial future.

Dr. D. B. St. John Roosa presented a detailed statement of the condition of a large section of the city, the result of an expert examination made within forty-eight hours of the meeting, and claimed that the public health must be seriously injured by the prevailing

filth. He said that when a committee of medical men recently called on the Police Commissioners to complain of the condition of certain streets, the stalwart head of the Street Cleaning Bureau said to the spokesman of the delegation, an eminent medical man, "You are telling an untruth, and you know it."

Mr. Joseph H. Choate was the last speaker, and his caustic references to the derelict Police Commissioners met with the heartiest approval of the audience. He said: As it has been entrusted to me to close this meeting, I propose to close it with a benediction upon the Police Commissioners. I have not heard half enough of indignation about these Commissioners. It was said that it was to be an indignation meeting, and I think we have not had half enough of indignation. If it is true that it is not possible for the Commissioners to clean the streets, why, it is possible to clean out the Commissioners. That, at least, is possible; and by the grace of God, and by that other Grace, whom the people of this city have chosen to execute their will, this thing shall be done. If you can find one man fit to be trusted, and who is energetic enough, give him this duty to perform. Let him be responsible for it, and it will be done. I believe we have that man. Although I am not of his political faith, although I did all I could to prevent his election, I believe that in the Mayor we have that man. I understand that in twenty years, by industry and by continued attention to business, he has made for himself a fortune of millions of dollars, and this by a well conducted business carried on for its own sake. This shows that he is fitted for a little job like this. Now, let us send our committees to Albany, and let them say that we want this power placed, where it ought to be placed, in the hands of the Chief Magistrate of this city, and want him not to be trammelled by any Board of Aldermen. We want this job to be put upon the Mayor, upon his sworn responsibility to perform his duty, and then let him go to work and execute this business as he has executed his own business. This work will then be conducted in defiance of politicians, and places will not then be given to men as refuges at the bid of politicians, but the best men will be selected for the work they have to do. If we stand by the resolutions adopted here to-night, and let the gentlemen at Albany know that we mean what we say, this job will be accomplished.

The resolutions read by Mr. Jesup were now submitted to vote and adopted by acclamation. The Chairman announced the follow-

ing gentlemen as comprising the Committee of Twenty-one, provided for in the resolutions, and the meeting then adjourned amid much enthusiasm :

D. Willis James,
James Gallatin,
Thatcher M. Adams,
S. D. Babcock,
John L. Cadwalader,
Morris K. Jesup,
Cornelius Vanderbilt,
R. H. Derby, M.D.,
Charles H. Marshall,
John C. Peters, M.D.,
William A. Cole,

Edward Patterson,
Walter H. Lewis,
Lawrence Turnure,
James Talcott,
Brayton Ives,
Jesse Seligman,
William F. Bridge,
Henry E. Pellew,
R. T. Auchmuty,
Jackson S. Schultz.

Police Commissioners French and Mason occupied places on the platform. Both gentlemen afterwards protested against what they deemed the unfair tone of Mr. Choate's remarks. Mr. Mason said to a *Herald* reporter that he was in hearty accord with the spirit of the meeting, in so far as it advocated taking the Street Cleaning Bureau from the management of the Police Department, but he thought the aspersions on the Commissioners very unjust. Commissioner French expressed similar views to a reporter of the *Commercial*, and said he had never held but one opinion, namely: that the control of cleaning the streets should be given to the Mayor.

The foregoing account of the Cooper Union meeting is given as an important part of the history of this reform movement. It indicates how general and widespread was the public interest in the subject and how imperative was the necessity for a change. It also emphasizes the importance of the principle of individual responsibility in the matter of street cleaning, and shows the general concurrence in the plan of confiding that duty to the Chief Magistrate of the City.

The comments of the New York press upon the meeting were frank and cordial. Its magnitude and importance were fully recognized, and it was only feared that the earnest spirit manifested would result in inaction. The *World* characterized the meeting as "practical and business-like," and predicted that it would not end in indignant eloquence. It pointed to the need of striking at the

root of the matter by securing "personal responsibility in municipal government."

The *Tribune* remarked : "The size of the meeting, the hall being densely crowded, while hundreds of persons were turned away from the doors; the character of the audience, which comprised many of our most respected citizens, the proportion of grave men of middle age being noticeably large; the intense earnestness of the gathering—are signs that a general indignation has arisen upon this subject which it might not be extravagant to compare, in its way, with the storm under which the Tammany Ring went down ;" and added that it will not do to clean out the Police Commissioners if the old system is left. "It is *the system* that must be kept steadily in view as the point of attack."

The *Sun* accepted the meeting as a proof that the public at last appreciates danger from the steadily increasing mortality of the city. "There has been ample reason for the meeting; now let the city be put in condition to withstand the summer's heat by giving the Mayor power to undertake the work of street cleaning."

The *Evening Post* said : "The citizens instinctively demand two things : first, that ample power to clean the streets shall be lodged in the hands of a single officer; second, that this single officer shall be held to a strict responsibility. This is suggested by common sense and is according to common business experience."

The *Times* declared the assemblage one of the most remarkable ever held in New York and a convincing demonstration that the people of the metropolis are not to be trifled with.

The *Journal of Commerce* said : "Personal responsibility instead of official responsibility is the object to be kept in view."

The *Herald* praised the tone of the speeches and suggested that if the authorities still delayed to clean the streets that the Committee of Twenty-one organize a volunteer movement to do the work.

The salient feature of the meeting was thus accented and approved by the leading journals. The *Star* and *Express* alone attempted any defence of the Police Commissioners. The former denied that politics had anything to do with maintaining filthy streets and charged that the hands of the Police Board had been tied with a dozen different ligatures ; merely to transfer the task to others hands, without improving the laws, will effect little permanent benefit.

The *Express* said the meeting was "large, eminently respectable and well addressed." The Police Board had failed not because

incompetent or unfaithful, but because the business of street cleaning does not belong to them. If we are to have clean streets, (1) get the Legislature to put the business of cleaning them into efficient and responsible hands, not already more than full of official work; (2) appropriate the necessary money to pay for having the work done well; (3) give sufficient power and discretion to the Street Cleaning Commissioner to meet any exigency that may arise, and hold him responsible for his acts; and (4) assist the authorities in keeping the city clean, instead of increasing their difficulties and screaming over their shortcomings.

The Committee of Twenty-one lost no time in perfecting its organization and deciding upon its future action. On Saturday evening following the night of the Cooper Institute meeting, an informal conference of the members was held, at which a sub-committee, consisting of Messrs. James, Pellew, Adams, Marshall and Cadwalader, was chosen to arrange preliminary measures. Its members conferred with the Mayor and Comptroller on Sunday. The Committee of Five met at Mr. Pellew's house the same evening and spent several hours in deliberation and in laying out the work for the day following. On Monday morning, the Committee met at the rooms of the New York Association for Improving the Condition of the Poor, No. 79 Fourth Avenue, which had been courteously offered as its permanent headquarters, and at which all its subsequent meetings were held. Seventeen of the twenty-one members were present at the first meeting of the Committee. The four members who did not attend were all detained by pressing business, or were absent from the city. Mr. D. Willis James was elected permanent Chairman, and Mr. William F. Bridge Secretary. The Sub-Committee of Five reported that a conference had been arranged with the Mayor, Comptroller and Corporation Counsel.

The Committee of Twenty-one had fully determined to embody in any scheme of street cleaning emanating from it the principle which it understood to be the paramount one with the people, as expressed at the Cooper Institute mass meeting and through the press. Its members were convinced that their efforts would not satisfy the public unless the existing system should be destroyed and a new one devised, which would possess as its distinguishing characteristic the feature of the responsibility of some one individual directly to the people. It was concluded that power and responsibility ought

to be reciprocal, and that the surest guaranty of faithful service would be found when some one person having ample power to do the work would be liable to public reprobation and to punishment for neglecting or otherwise violating his duty.

With that consideration as the guiding one, the Committee entered into conferences with the city authorities. It was ascertained that the Mayor was willing to assume the burthen of cleaning the streets, and would undertake the task, provided he could be untrammelled in his selection of the person to direct the work, and have the power to remove him at once in case of any dereliction of his duty. The Committee, the Mayor, the Comptroller and the Corporation Counsel soon came to an entire accord in their views of a proper bill to accomplish the desired object. Several interviews, in which the whole plan was discussed, eventuated in the preparation of what, with a few amendments not affecting its cardinal principle, afterward became the famous "Senate Bill." That bill was drafted by the Corporation Counsel, assisted by Mr. Thatcher M. Adams and Mr. John L. Cadwalader, of the Committee. Careful criticism was made of all of its provisions before it received the sanction of the Committee at large; it was discussed section by section at the meeting; the judgment of leading city officials upon its various requirements was obtained; it was submitted to gentlemen interested in the subject, but not members of the Committee, and it received the approbation of all who examined it. As soon as its details were arranged it was taken to Albany by members of the Committee, and introduced into the Senate by Mr. Robert H. Strahan, Senator from the 8th District. Modifications were made of some of its minor provisions, and the Senate, conscious of the importance of the general demand and willing to come to the aid of the citizens of New York, promptly and heartily responded to the wishes of the people and passed the bill unanimously. The carriage of the measure in the Senate was confided to Mr. Strahan, and it is but simple justice to that gentleman to say here, as the Committee has elsewhere stated, that Mr. Strahan is entitled to the thanks of the whole community for the zealous and intelligent assistance he has given to this Committee during the whole legislative contest for clean streets. The full text of the proposed enactment as it passed the Senate is given in the Appendix. It had been discussed in the public press and was received with general approbation. As a specimen of the comments passed, the following extract from the *Journal of Commerce* of March 26, 1881, is given :

"The new scheme perfected by the Committee, and now submitted to the Legislature, goes directly to the task of making provision for the work, and holding some one responsible for its performance. As far as we can see, it has not in it a line to which any one can object who wishes the streets thoroughly cleaned, and has no sinister end in view incompatible with the faithful performance of the task." Everywhere the hope was entertained and expressed that the members of the Assembly would act with the promptitude, good sense and right feeling which had actuated the Senate in the matter, and such assurances had been given to the various members of the Committee as justified the belief that its labors would soon be terminated by the Senate Bill becoming a law.

When the bill had been in the Assembly but a few hours the fact became evident that the sanguine hope of speedy success was delusive. Dilatory tactics, for some undisclosed reason, were resorted to by members who had not openly committed themselves either for or against the bill. These motives were not long in coming to light. Politics, plunder and patronage began their deadly work of defeat. The officials who had so long mismanaged the business committed to their charge, and even some members from the city, fearing the effect upon their political organization of giving the power under the bill to a political opponent, instituted a strong and aggressive opposition to it; in other words, they desired to keep the disbursement of the money for street cleaning in the hands of their own faction. This assault upon the Senate bill gradually became consolidated and formidable; no consideration of the public health, nor the combined efforts of the people, the press, the pulpit and the medical faculty, were availing to change the sentiment of a majority of the Assembly, struggling for control of a little patronage and that portion of the city money which would be used in the work of cleaning the streets.

The Committee on Cities, to which the Senate Bill had been referred, made the first open move against the bill by substituting in place of the Mayer, when mentioned therein, the President of the Board of Health, a member of the political party in the majority in the Legislature, and reporting the bill so amended to the Assembly. But Professor Chandler at once discountenanced that plan, and declared that, should it be adopted, he would resign his position as President and member of that Board. The Committee of Twenty-one also presented to the Legislature a protest against this proposition.

When it was ascertained that the Assembly would not promptly pass the Senate bill, eighteen members of the Committee of Twenty-one, accompanied by Mr. J. Pierpont Morgan (not at that time a member of the Committee), proceeded to Albany and remained several days, during which time the opponents of the bill, after much consultation, agreed to report to the House, in lieu of the Senate Bill, what is known as the Carpenter Substitute. In this emergency the Committee resolved to call another mass meeting, hoping that the direct and authoritative voice of the people might arrest the Assembly in its apparent disregard of the will of the inhabitants of the city. The meeting was held on the 12th of April, 1881, at Steinway Hall. It was a large and enthusiastic gathering, very demonstrative in its indignation at the conduct of the majority of the Assembly, and especially vehement in its disapprobation of the course of those members from the city who had first obstructed and then planned to prevent the passage of the bill. The meeting was called to order by Chief Justice Daly, who referred to the object of the call and introduced the Hon. John Jay, who acted as Chairman. Mr. D. Willis James read the report of the Committee of Twenty-one, which is here inserted in full as a necessary part of the narrative :

Report of the Committee of Twenty-One, appointed at the Mass Meeting held at Cooper Union, March 18, 1881.

The Committee of Twenty-one appointed by you at your mass meeting on the 18th of March last to effect a radical change in the present system of street cleaning, and to confide the same to one single responsible head, respectfully report : That, upon the day following their appointment, they organized, and after consultation with the Mayor, the Comptroller and Corporation Counsel, caused a bill to be prepared imposing on the Mayor the duty of keeping clean the streets and investing him with full powers to that end. While appreciating certain objections to conferring upon a single individual such large powers, your Committee became convinced that it was absolutely requisite to have a single responsible head elected by the people, and therefore directly responsible to them, who from his position would be a safe depository of large powers.

All these considerations pointed to the propriety of naming the Mayor as the official to be charged with the execution of the work. The duty was by the bill attached to the office, not to the individual, although your Committee further ascertained that the present Mayor was prepared to undertake the work, provided ample power accompanied the responsibility, and he further pledged himself to faithfully perform it, absolutely regardless of party, party interest, or party patronage. This bill was introduced in the Senate by the

Hon. Robert H. Strahan on Thursday, March 24, and the Special Committee of the Senate, to which it was referred, gave your Committee an immediate hearing and reported the bill complete, after amending it in some particulars, on the 30th of March, and the bill, being then put upon its passage, received the unanimous vote of the Senators then present.

Your Committee, and the public, their constituents, were greatly assisted by Mr. Strahan, by the Special Committee to which it was referred, by Mr. McCarthy, their Chairman, who permitted the bill to supersede the provisions of his charter, to which he had devoted much labor, and by Mr. Robertson of Westchester, who lost no opportunity to forward the purposes of your Committee.

Before the bill had actually passed the Senate, your Committee, eighteen of whom were present at Albany, placed themselves in communication with Mr. Sharpe of Ulster, the Speaker of the Assembly, and, in view of the urgency of the situation, suggested that the bill might be considered in the Committee of the Whole, without the usual reference to the Committee on Cities. It is proper to state frankly that the fear of delay was not the only motive for avoiding such reference.

The relations existing between Mr. Carpenter of Suffolk, the Chairman of the Committee on Cities, and Mr. French, President of the Board of Police, were such as to create apprehension that the measure advocated by us, as your representatives, would be unfavorably received by the Chairman and other members on that Committee, who represented certain districts in the City of New York, and who did not appear to possess sufficient independence to emancipate themselves from similar influences. Your Committee, however, largely out of deference to the Speaker's views, abandoned any attempt to secure the passage of the bill without a reference to the Committee on Cities. The Speaker materially assisted the Committee in procuring an immediate hearing by the Committee on Cities, before the bill was technically before the House. At that hearing, which took place on the afternoon of the day upon which the bill passed the Senate, your Committee became aware that their bill was not likely to receive favorable consideration from several members of the committee. The first open move in opposition was made upon the further hearing before this committee on the following day, when Mr. George Bliss violently attacked the bill, its supporters and the Mayor, and his attack seemed to be in sympathy with the views of a majority of the committee. The committee thereupon appointed a sub-committee to report on the following morning such amendments as they might advise. This sub-committee consisted of Messrs. Hamilton, Brodsky, Everett and Andrews, with the addition of Mr. Carpenter *ex officio*, all of whom, except Mr. Andrews, had by this time become outspoken opponents of your bill. On the following morning the bill was reported to the Committee on Cities amended, as your Committee are informed, on motion of Mr. Hamilton, by substituting the President of the Board of Health in the place of the Mayor, wherever named therein, and in some other unimportant particulars.

The bill so amended was thereupon reported to the Assembly, and made the special order for the succeeding Tuesday, the 5th day of April. Professor

Chandler, the President of the Board of Health, promptly stated to your Committee and through the press that he had not been consulted in the matter, and that under no circumstances would he accept the responsibility sought to be thrust upon him, and that in his opinion the Mayor should be charged with the work. This refusal of Professor Chandler to act disconcerted whatever plan had been formed, and a successful motion for delay was made when the special order was announced on the 5th day of April.

The motion to postpone prevailed by a vote of 59 to 56, and your Committee were satisfied that, could the bill have been fairly discussed and disposed of on its merits on that day, it would have been passed.

On the morning of that day members of your Committee had an interview with Mr. Speaker Sharpe, again requesting his support, and received from him an assurance that when the bill came to a vote he would, although distasteful to him, vote in favor of the bill. In the meantime, and before the bill came up for discussion, every effort was made by the circulation of absurd and false statements to influence country members, and every means used to arouse partisan feeling. Meanwhile a small knot of the chief opponents of your bill were busily engaged in preparing a substitute therefor, and finally agreed upon what is now known as the Carpenter Substitute, which was offered by Mr. Carpenter, of Suffolk, on the following day, when the matter came up under special order. This substitute, retaining largely the language of your bill, charges the duty of cleaning the streets upon a subordinate official, called a Superintendent of Street Cleaning, to be nominated by the Mayor for the term of two years and confirmed by the Board of Health, and unhesitatingly gives to him the large powers which your Committee, only after great deliberation, had asked should be conferred upon the Mayor, and which Superintendent could be removed only by the Governor on charges. No such subordinate official, not elected by the people or responsible to them, should be vested with such powers. No official holding his office for a short time and depending on the Board of Health for confirmation could be expected to possess the necessary independence, and the difficulty in the removal of a faithless or inefficient official through charges before the Governor absolutely destroys the one principle for which your Committee have throughout contended—direct and individual responsibility to the people themselves.

In other respects, this substitute is equally objectionable, and by means of a carefully worded clause continuing the Board of Police in the work of street cleaning until the Superintendent is appointed, it is not unlikely that it is intended that no superintendent shall be confirmed who will not agree to divide the patronage, or who will not be anxious to show how shamefully the Board of Police have neglected those duties confided to them. In the discussion on your bill and the proposed substitute before the House, the opponents of your bill placed their opposition chiefly on the ground that this was a question purely and simply of patronage, subordinating thereto the matter of cleaning the streets: or, as expressed by Mr. Craspey of St. Lawrence, "This is not a question of cleaning the streets; business and politics are two different things. I believe that we, as members of the Republican party, should avail ourselves of the

opportunity which is placed before us at this time. We have succeeded in carrying the State: we have the Executive; we have the Legislature, and now let us have what patronage belongs with it." Or, as stated by Mr. Sharpe, the Speaker. "It is evident that the Mayor will nominate nobody who will give the patronage to the Republicans. What we ask is that it shall not be given solidly elsewhere."

In other words, the leaders in opposition to the bill preferred dirty streets, with the attendant consequences, to a loss of a little petty patronage.

A vote being taken on a motion to order your bill to a third reading, under the issues thus raised, resulted in the defeat of the motion by a vote of 55 to 66, and the struggle at this time was virtually ended. In this connection it is proper to remark that Mr. Skinner of Jefferson, Messrs. Duguid and Alvord of Onondaga, Mr. Husted of Westchester and others, ardent Republicans, most conspicuously supported your bill and proved that they were not willing to oppose an honest measure on such paltry grounds. To them, to Messrs. Erastus Brooks and W. C. Andrews, who aided us in every way, and to all who voted for the bill, your thanks and ours are justly due.

Among those voting against the bill, Mr. Speaker Sharpe and Dr. Hayes require especial mention. The Speaker, having led your Committee to believe that he favored the general object they had in view, and stated that he would vote for the bill, appeared on the floor as the especial champion of the substitute, and used every effort to defeat your bill. Any one familiar with the power of a presiding officer will appreciate the injury caused by his defection. Dr. Hayes, having the day before spoken strongly in favor of your bill, having repeatedly stated that he should vote for the bill, and having been entrusted, for presentation to the House, with a petition signed by 250, or more, prominent physicians of the City of New York, advocating the passage of the bill, not only voted against it without explanation or excuse, but smothered the petition.

To Messrs. Hamilton, Brodsky, and other small politicians, who proved recreant to their duties as representatives of the people, and obedient to the commands of their political masters in New York, the Committee make no reference, except to express a hope that their constituents will hereafter signify disapproval of their course, in a way which cannot be misunderstood.

This completes the history of the work of your Committee at Albany.

As matters now stand, the Carpenter substitute may come up at an early day for passage, and if passed will go to the Senate for concurrence by that body. In the opinion of your Committee, the passage of the Carpenter substitute by both Houses would result disastrously to the City of New York, and supply no effectual remedy for the evils that exist; and, on the other hand, a difference between the two Houses will result in no legislation, leaving the business of street cleaning precisely where it now is.

Your Committee, in closing, cannot but state their deliberate conviction that this was the intention of the opponents of your bill from the outset, and while they regret that the scheme has thus far prevailed, they cannot but hope that you will, by proper expression of your opinions and wishes, succeed, even now, in turning defeat into victory.

In this report, and in narrating the circumstances attending the defeat of the bill, your Committee have stated facts, and facts alone, and have intentionally refrained from giving expression to the regret and indignation which must follow such an experience as this.

That a majority of the Legislature of the State of New York should be absolutely deaf to appeals for aid in this emergency from the metropolis of the country, and not only be willing to continue, but insist on the continuance of the present system or the inauguration of a worse one, carries with it its own comment.

D. WILLIS JAMES,

Chairman.

WILLIAM F. BRIDGE,

Secretary.

Addresses were also made by Ex-Governor Solomon, the Rev. Dr. Hitchcock, Mr. J. S. Schultz, Dr. W. H. Draper and Mr. Joseph H. Choate. The following letter from the Mayor was read:

MAYOR'S OFFICE, April 12, 1881.

MORRIS K. JESUP, Esq., Chairman.

Dear Sir: I am in receipt of your favor of this morning. I have heretofore stated to your Committee that, in the event of the Senate bill becoming a law, I should absolutely divorce the work of street cleaning from politics and require that it be managed as a simple matter of business, apart from all partisan considerations. The matter touches too nearly the home of every family and the health of every citizen to be made a question of politics. It is simply a question of most urgent business, in which divided responsibility would only invite failure.

Yours respectfully,

W. R. GRACE.

The meeting unanimously adopted the following resolutions:

RESOLUTIONS.

Whereas, The Committee of Twenty-one, appointed at the mass meeting held at Cooper Institute, on the eighteenth of March last, did present to the Legislature and urge the passage of a bill imposing the duty of cleaning the streets of the City of New York upon the Mayor, an officer elected by and directly responsible to the people, and to whom, for that reason, regardless of his personal politics, large powers may safely be entrusted, which bill was unanimously passed by the Senate, upon the thirtieth day of March;

And whereas, the Assembly have refused to pass the same, or to separate definitely street cleaning from politics;

And whereas, certain so-called leaders in the Assembly have prepared a bill known as the "Carpenter substitute," a measure of doubtful constitutionality and propriety, the passage of which is urged instead of the Senate bill:

Resolved, That the course of the Hon. George H. Sharpe, Speaker of the

Assembly, of the Hon. Everett A. Carpenter, Chairman of the Committee on Cities, and of Dr. Isaac I. Hayes and Messrs. Brodsky, Brehm, Hamilton, Trimble and Williams, members of the Assembly from this city, and of the other opponents of the bill, meets with the sincere and earnest disapprobation of this meeting.

Resolved, That amidst the treachery of Dr. Hayes and the subserviency of others, the hearty thanks of the whole people are due and are hereby tendered to Mr. Husted, Mr. Skinner, Mr. Alvord, Mr. Duguid, Mr. Erastus Brooks, and to the other members of the Assembly, whether Republicans or Democrats, who have assisted the people of this city, as represented by the Committee of Twenty-one, by their counsel, their sympathy and their votes.

Resolved, That in the opinion of this meeting the so-called "Carpenter substitute" is an objectionable measure of doubtful constitutionality, intended or calculated to leave the duty of cleaning the streets in the hands of the Board of Police, who have so long neglected it, or to subject their successors in that duty to the influence of politics, and to organize a new failure under a new name.

Resolved, That the interests of the people of New York and every consideration of propriety demand that the control of the Board of Police over the business of street cleaning should cease *once and for all*, and that no member of such Board, whether as a member of the Board of Health or otherwise, should have any voice in the appointment or confirmation of a Superintendent of Street Cleaning, or any part in the organization of a new system.

Resolved, That the duty and responsibility of cleaning the streets should be confided to the Mayor, or to a Department of Street Cleaning, the head of which shall be appointed and be removable by the Mayor; and that the citizens here assembled, without distinction of politics, earnestly call upon the Governor of this State, the State Senate and the Members of the Assembly, without regard to the manner in which they have heretofore voted on this question, to aid them in securing for the Mayor of the City of New York, under a proper bill, the undivided responsibility in this matter, freed from the control or interference of the Board of Police, the Board of Health, or of ward politicians.

Resolved, That it is the duty of the citizens of this city earnestly to take steps to be represented in the Assembly by members able to comprehend, and sufficiently independent to advocate, the true interests of the City of New York, and willing to prefer such interests to politics and party patronage.

Resolved, That the Committee of Twenty-one, appointed at the meeting of the 18th March last, be continued, with power to add to their number, and that they be empowered to take such action as may be deemed by them proper and judicious, including the organization of sub-committees in each Ward and Assembly District in the city.

Resolved, That when this meeting adjourns, it adjourn subject to the further call of the Chair.

Two days after the Steinway Hall meeting, several hundred of the leading physicians of the city held a meeting at Chickering Hall,

at which they earnestly supported the Senate Bill. The proceedings of their meeting have been published.

After these meetings at Steinway and Chickering Halls the Committee of Twenty-one redoubled its efforts to carry into effect the principle of the Senate bill. The spirit of the majority of the Assembly became, if anything, for the time being, more defiant, but this was in part mere bravado. The obnoxious members, although visibly wincing under the castigation applied at the Steinway meeting, were obdurate in their opposition, but were evidently seeking some method of escaping, by suggestions of compromise, from the obloquy they had brought upon themselves. Nevertheless, the Carpenter Substitute passed the Assembly. Mr. Low, of Niagara, having seen fit to alter his position, gave the requisite majority of one, although it is asserted, with what truth your Committee are unable to state, that in case of need ten Democratic votes were held in readiness to aid Mr. Carpenter.

Thereupon a Conference Committee of the two branches of the Legislature was appointed; it consisted of Messrs. Strahan, McCarthy and Hogan of the Senate, and Messrs. Hamilton, E. A. Carpenter, Brodsky, Andrews and Browning of the Assembly. This Committee would not allow the Committee of Twenty-one to appear or be represented before it. In this there was a technical propriety. It is not parliamentary usage to permit argument before a Conference Committee. However, the views of the Committee of Twenty-one were made known to the Chairman of the Conference Committee by telegram. Nothing was agreed upon by this Conference Committee, and it was discharged. Subsequently, another Conference Committee was appointed; and as the result of its deliberations a bill for cleaning the streets of New York was passed. It is set out in full in the Appendix.

The bill, as finally passed, is not endorsed by the Committee of Twenty-one. In the judgment of the Committee, the enactment is radically defective. It is a legislative compromise, to which the Committee of Twenty-one is not a party, and the responsibility for which it does not assume. It is obviously a measure originating in a desire to appease popular indignation, and to escape popular reprehension by an apparent concession to the demand of the people for some change in the system of street cleaning. The objections to it are weighty. They are of such a grave character that Captain Goringe, of the U. S. Navy, who it was hoped would accept the superintendency of the street cleaning, declined the appointment because

of the insufficiency of the provisions of the bill. The objections are summed up in a letter written by Mayor Grace as follows:

MAYOR'S OFFICE, NEW YORK, May 23, 1881.

Hon. W. S. ANDREWS, Assembly Chamber, Albany, N. Y.:

DEAR SIR,—During our conversation of Saturday last upon the subject of the street cleaning measure recommended by the Conference Committee, and passed by the Senate, I said I would state my objections to the bill more explicitly in a letter, which you would be at liberty to use if you so desired.

It is conceded by all who have studied the subject attentively that the solution of the problem of cleaning the streets of New York requires full responsibility, coupled with ample authority. Divided responsibility has always produced inefficient work, and without large powers no one can grapple so formidable a task.

The people of this city, through the press and public indignation meetings, have demanded that the present unsatisfactory system shall be abolished, and that some one whom they can hold to a strict accountability shall be authorized to undertake the work. To give expression to this general sentiment, gentlemen of the highest standing in the community have unselfishly devoted their time, at great personal inconvenience, to perfecting a plan to clean the streets, and to bringing it to the attention of the Legislature.

The bill embodying their views received the approval of the Senate, but a false issue having been raised by certain local politicians, it met with defeat in the Assembly.

Under its provisions, the absolute power of appointment and removal of the Superintendent of Street Cleaning was lodged in the hands of the Mayor. This was, in my judgment, the vital principle of the whole measure. The responsible head of the city government was clothed by this means with authority to compel this officer to do his work thoroughly.

It differed in this respect from the plan of the city charter, which prevents the Mayor from removing corrupt or negligent officials, except by the tedious formalities of a trial and the interposition of an authority foreign to the municipal administration.

The bill which has been substituted for it provides that a Commissioner of Street Cleaning shall be appointed by the Mayor and confirmed by the Board of Health, and that he shall hold office for a term of six years, and be removable only by the concurrent action of the Mayor and the Board of Health.

The confirming power is a subordinate board or department of the city government, charged by law with duties radically different from the one now proposed to be conferred. The provision is wrong in principle, and cannot be defended upon any ground of proper legislation. One of the members of the Board of Health is the President of the Board of Police, and connected with the present inefficient system of street cleaning; a second belongs to the State government, and is only *ex officio* a member; and a third is an officer whose

term has expired. It is as absurd as if the Governor were obliged to submit his nominations for State officers to the harbor masters, port wardens or the State Board of Health instead of to the Senate.

The power of removal is of more importance here than that of appointment. Unless two of these subordinate officers, members of the Board of Health, concur with the Mayor in the necessity of removing a Commissioner of Street Cleaning, there is no remedy for filthy streets or lax administration. This officer will not be directly accountable for his acts or omissions to the head of the city government, but will naturally study to meet the divergent political views of the individuals who compose the Board of Health. If a Mayor should consider that the public service would be benefited by his removal, the delinquent official would seek to prevent it by personal and political importunities to the confirming power. No single individual directly accountable to the people, as the Mayor is, would dare to abuse such an authority, but it will be easy, where responsibility is so diffused, as in this instance, for individuals who have long terms of office to evade or escape it.

In addition to this fundamental objection, there are others touching defects in the bill which tend to further embarrass the workings of the new system. Among these are notably the provisions of section 11, which impose upon the Board of Health the duty of enforcing the provisions of the Sanitary Code, requiring that separate receptacles be provided for ashes and garbage. This is now the actual requirement of law; but it does not go far enough. The only force at the disposal of the Board of Health for the enforcement of these ordinances or regulations is a small squad of sanitary policemen, numbering less than thirty men, a body entirely inadequate to the discharge of such a duty, especially during the first months of the operation of the new system.

The Board of Police have also under existing laws and ordinances well defined duties connected with this subject. The present bill will relieve them of all care and responsibility, and enable them to look complacently upon the fruitless efforts of the new Commissioner of Street Cleaning to keep the streets clean. If section 11 were drafted with a deliberate design to cause a failure of the new system it could not have been more cunningly devised.

In the Citizens' bill (Senate, No. 217), section 5 made it the special duty of the entire police force to enforce all ordinances relating to the cleanliness of the streets, to arrest offenders and report violations to the Superintendent of Street Cleaning, and sections 11 and 12 enjoined the Boards of Health, Police and Police Justices to co-operate actively to secure the observance of these regulations, and empowered the Mayor to institute prosecutions and suits for penalties.

This co-operation of the different branches of the local government is essential for the proper enforcement of the ordinances relating to cleaning the streets and disposing of the refuse therefrom. I fear that the defects of section 11 are sufficient to cause a failure of the new system.

The requirement that all supplies shall be purchased by contract let to the lowest bidder, founded upon sealed bids, when they exceed \$1,000 in amount, is a limitation likely to be productive of much embarrassment. Nor can horses, carts, tugs, scows, machines, tools or other necessities be even hired without this formal bidding and acceptance. The Commissioner of Street

Cleaning cannot manufacture carts, machines, or tools, as is done by a similar officer in the city of Boston, nor can he construct steam-tugs, scows, or other vessels. He would be especially hampered in any sudden emergency that might arise, as, for instance, such as would be caused by an unusually heavy fall of snow.

The addition to the provision, incorporated from the citizens' bill, which makes it lawful for the Commissioner of Street Cleaning to cause snow and ice to be dumped from the ends of piers into the East and North Rivers, that certain other things shall not be deposited therein, is now the law, and its reiteration in this bill can give it no new sanction or authority.

If the bill becomes a law I shall earnestly endeavor to secure the services of the most capable person I can find to discharge the work of the street cleaning, and shall do all in my power to secure the success of the new system. If, however, I am unable to obtain the services of such a qualified person, it will be solely the fault of a measure which may deter men of recognized public merit from risking their reputation in dealing with this subject.

Yours respectfully,

W. R. GRACE.

In these objections, as stated by the Mayor, the Committee of Twenty-one concurs.

The work of the Committee is not yet concluded. Its organization will be continued. It will observe carefully the operation of the new law. Its efforts so far have resulted in the destruction of the old vicious system of street cleaning by commission. Whether the substituted system will succeed remains to be tested. In the very nature of things it must bring about some improvement. Every citizen should heartily co-operate in the endeavor to make it a success; but legislation will be required at the next session to complete and perfect its details, if it is found on the whole to be sufficient, and if it is not so found, to procure another and a better law. The Committee will continue to exist, in view of these and other considerations. Certain trading politicians are relying upon the public becoming apathetic and indifferent on the subject, and being satisfied with half-way concessions. They count upon the proverbially short memory of grievances of the citizens of New York. The Committee purposes not to let the subject be forgotten so long as there is occasion to preserve its remembrance.

The Committee, under the power given to it, has added to its number by electing Mr. J. Pierpont Morgan a member. It was deemed expedient to retain the designation "Committee of Twenty-one." Messrs. Talcott and Auchmuty resigned their

positions on the Committee, and their places have been filled by the selection of Messrs. Josiah M. Fiske and J. H. Hall.

The details of the work of the Committee have been prepared by various sub-committees.

In conclusion, the Committee begs leave to express the hope that the interest of the people of the city in the subject of clean streets will not abate; that they will recognize at the next election the necessity of sending to the Legislature men who will be pledged to this work of municipal reform. What has thus far been accomplished requires perfecting, and that can be done at the polls. The lesson should be taught by the voters to their representatives that the comfort and the health of the citizens of New York, and the welfare of the whole city, are matters superior to petty considerations of the distribution of a few offices and a little public money among needy politicians as a reward for services to a party or faction; that the people's servants are not the people's masters, and that when the public will is proclaimed, it is meant that the public voice shall be obeyed.

APPENDIX.

SIGNERS OF THE CALL FOR COOPER UNION MASS MEETING.

William H. Van Buren, M.D.
 Abram Du Bois, M.D.
 Willard Parker, M.D.
 W. Parker, Jr., M.D.
 Gouv. M. Smith, M.D.
 Isaac E. Taylor, M.D.
 Austin Flint, M.D.
 A. Clark, M.D.
 Wm. Detmold, M.D.
 T. M. Markoe, M.D.
 H. B. Sands, M.D.
 R. F. Weir, M.D.
 E. L. Keyes, M.D.
 Alf. L. Loomis, M.D.
 Fordyce Barker, M.D.
 David Webster, M.D.
 T. G. Thomas, M.D.
 W. M. Polk, M.D.
 F. Delafield, M.D.
 F. H. Hamilton, M.D.
 F. E. Hyde, M.D.
 H. Dnoyes, M.D.
 Geo. M. Beard, M.D.
 G. A. Peters, M.D.
 F. N. Otis, M.D.
 Bev. Robinson, M.D.
 R. H. Derby, M.D.
 Ellsworth Eliot, M.D.
 J. Blake White, M.D.
 Woolsey Johnson, M.D.
 M. Clymer, M.D.
 C. Cleveland, M.D.
 Edward Loring, M.D.
 A. McLane Hamilton, M.D.
 John C. Peters, M.D.
 J. H. Emerson, M.D.
 D. B. St. John Roosa, M.D.
 R. McE. Emmett, M.D.
 E. Noeggerath, M.D.
 F. R. Sturges, M.D.
 A. E. M. Purdy, M.D.
 J. W. G. Goulay, M.D.
 C. C. Rice, M.D.
 David Magie, M.D.
 F. V. White, M.D.
 Jas. R. Wood, M.D.
 Lewis N. Sayre, M.D.
 Thos. F. Cock, M.D.

Wm. F. Lusk, M.D.
 Sam'l Sexton, M.D.
 E. Herrick, M.D.
 T. A. Emmett, M.D.
 F. Le Roy Satterlee, M.D.
 J. H. Hinton, M.D.
 Thos. R. Pooley, M.D.
 O. D. Pomeroy, M.D.
 E. W. Lambert, M.D.
 Alf. S. Purdy, M.D.
 M. T. Mittendorf, M.D.
 Wm. O. Moore, M.D.
 Albert H. Buck, M.D.
 E. H. Peaslee, M.D.
 Francis M. Weld, M.D.
 W. Frothingham, M.D.
 H. C. Potter, D.D.
 R. D. Hitchcock, D.D.
 Morgan Dix, D.D.
 Samuel Cooke, D.D.
 R. S. Howland, D.D.
 S. H. Weston, D.D.
 Wm. J. Seabury, D.D.
 J. H. Rylance, D.D.
 J. Cotton Smith, D.D.
 W. W. Williams, D.D.
 F. C. Ewer, D.D.
 H. W. Bellows, D.D.
 T. Gallaudet, D.D.
 Geo. S. Baker, D.D.
 E. McGlynn, D.D.
 S. I. Prime, D.D.
 Philip Schaff, D.D.
 R. R. Booth, D.D.
 M. R. Vincent, D.D.
 John Hall, D.D.
 N. W. Conkling, D.D.
 H. M. Field, D.D.
 W. M. Taylor, D.D.
 L. D. Bevan, D.D.
 G. B. Cheever, D.D.
 E. N. White, D.D.
 J. D. Wilson, D.D.
 T. S. Hastings, D.D.
 S. D. Burchard, D.D.
 W. G. T. Shedd, D.D.
 W. Ormiston, D.D.
 J. Spaulding, D.D.

C. A. Hand
 Henry E. Davies
 Howard Potter
 Smith Clift
 John Jay
 Thatcher M. Adams
 Samuel D. Babcock
 Fred. De Peyster
 J. W. Patterson,
 Robert Hoe, Jr.
 J. Taylor Johnston
 T. B. Coddington
 Morris K. Jesup
 John L. Tonnele
 A. M. Patterson
 Avery T. Brown
 George A. Robbins
 Andrew Warner
 Wm. T. Lawrence
 Geo. Blagden
 Jas. T. Leavitt
 Chandler Robbins
 J. D. Vermilye
 Benj. B. Sherman
 E. W. Corlies
 M. Bates
 Charles M. Fry
 Lawrence Turnure
 Jas. M. Brown
 Royal Phelps
 Wm. L. Jenkins
 Samuel Willets
 George Bliss
 W. Barnard Cutting
 Geo. S. Coe
 J. N. Phelps
 Parker Handy
 Fred Taylor
 H. H. Swift & Co.
 W. A. Ross
 D. Appleton & Co.
 John M. Scribner
 F. S. Winston
 George T. Hope
 W. K. Schenck
 Henry Butler
 James C. Carter
 Alfred Roe
 A. M. Kirby
 J. W. Gerard
 J. F. Kernochan
 W. C. Schermerhorn
 A. C. Kingsland & Sons
 Geo. S. Coe
 Henry B. Hyde
 John S. Kelso
 Phelps, Dodge & Co.
 Robt. Colgate & Co.
 E. Ketcham & Co.
 Crooke Bros.
 Dickerson, Van Dusen & Co.

G. A. & E. Meyer
 Bruce & Cook
 Naylor & Co.
 Jas. Ackman & Co.
 Ansonia Brass & Copper Co.
 T. B. Coddington & Co.
 John D. Locke
 J. L. Mott Iron Works
 Enoch L. Fancher
 W. H. Thorn
 F. T. Garretson
 Charles Coudert
 J. E. Burrill
 L. R. Marsh
 F. B. Jennings
 H. S. Cram
 E. R. Robinson
 Stephen A. Walker
 James E. Carter
 Alfred Roe
 Henry A. Cram
 Edward B. Merrill
 Henry J. Scudder
 Chas. F. Southmayd
 Chas. E. Beaman, Jr.
 George Hoffman
 Ernest H. Crosby
 Franklin B. Lord
 Daniel Lord
 A. H. Stevens
 A. C. Brown
 C. E. Souther
 W. V. McDaniel
 E. P. Wheeler
 F. R. Coudert
 L. L. Coudert
 F. W. Stevens
 Charles E. Strong
 Charles Butler
 Charles E. Tracy
 J. L. Cadwallader
 C. H. P. Babcock
 Henry F. Spaulding
 J. Pierpont Morgan
 E. P. Fabbri
 G. Henry Warren
 John A. Stewart
 Edward Morgan
 H. A. C. Taylor
 Adrian Iselin, Jr.
 E. R. Robinson
 F. D. Tappen
 Clark, Dodge & Co.
 Woodward, Baldwin & Co.
 H. Victor Newcomb
 Alfred Pell
 John J. Cisco
 A. F. Higgins
 Charles Watrous
 Carter, Hawley & Co.
 Buchanan & Lyall

Eugene O'Sullivan
 George W. Lane
 John H. Kemp
 Fabbri & Chauncey
 David Dows
 Anson W. Hurd
 John D. Mairs
 Wm. H. Guion, Jr.
 H. C. Fahnstock
 J. A. Garland
 George F. Baker
 Fred. T. T. Thompson
 V. K. Stevenson
 Le Comte & Perkins Mfg Company
 Chas. H. Marshall
 Wm. H. Appleton
 Wm. W. Appleton
 E. D. Randolph
 T. W. Evans
 W. Turnbull & Co.
 Funch, Edye & Co.
 Grinnell, Minturn & Co.
 Myers, Rutherford & Co.
 C. C. Baldwin
 Geo. V. N. Baldwin
 James A. Burden
 James P. Blagden
 William F. Bridge
 W. B. Dinsmore
 James Gallatin
 William Wood
 Henry E. Pellew
 W. E. Dodge, Jr.
 Work, Strong & Co.
 C. J. Osborn
 B. W. Griswold
 Fred. W. Stevens
 J. A. Roosevelt
 Edwin S. Cole
 O. E. Schmidt & Co.
 M. Hoffman
 S. V. R. Cruger
 William R. Sands
 J. J. Astor
 A. W. Sherman
 G. Norris
 George Cabot Ward
 Henry Holt
 R. H. Robertson
 Joseph W. Drexel
 Samuel S. Sands
 Benoni Lockwood
 Buch. Winthrop
 Henry R. Winthrop
 Melville Brown
 James K. Gracie
 James L. Barclay
 James & Scrymser
 J. C. Westervelt

Lewis Brothers & Co
 Wendell, Tay & Co.
 Van Volkenburgh & Leavitt
 Low, Harriman & Co.
 Kibbe, Chaffee, Shreve & Co.
 Wm. L. Strong & Co.
 Coffin, Alterman & Co.
 Strong Bros. & Co.
 Willimantic Linen Co.
 T. M. Ives, Agent
 H. J. Goodwin & Co.
 Ridgway, Poor & Griffin
 Mackintosh, Green & Co.
 Upham, Tucker & Co.
 Wharton, Atkinson & Co.
 James White & Co.
 J. Wild & Co.
 Case, Leland & Co.
 Raritan Wollen Mills
 H. Hahlo & Co.
 Adolph Bernheimer
 F. Mayer & Co.
 Wise & Holmes
 Hyde & Benton
 Thorne, Carroll & Co.
 Grosvenor & Carpenter
 Fairbanks, Martin & Co.
 R. K. Davies & Co.
 O. Strasburger & Co.
 Hazen, Todd & Co.
 Kessler & Co.
 J. W. Goddard & Son
 Sulzbacher Gitterman & Wedeles
 May & May
 John C. Wilmerding
 Theo. Shotwell
 Hewlett Scudder
 Wm. Greenough
 Alexander Dougan
 Norman Peck
 George P. Slade
 T. M. Ives
 W. D. Farwell
 S. S. Fisher
 Thomas Stewart
 Alfred W. Bates
 J. W. Cochrane
 John Sloane
 James M. Dunbar
 J. Catlin, Jr.
 V. Mumford Moore
 Wm. J. Wilcox & Co.
 E. O. Lamson
 W. E. Adams
 Wm. H. Popham & Co.
 W. A. Cole & Co.
 Franklin Ward
 George H. Webster
 Stephen R. Post

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 Robert Stobo & Co.
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 H. Avery & Co.
 A. P. Fisk
 Chas. Lanier
 Jacob H. Schiff
 Chas. Jenkins, President
 Keefer, McKennie & Co.
 Willcox & Gibbs S. M. Co.
 Naumburg, Kraus, Lauer & Co.
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 L. Morris

M. Brown, Jones & Co.
 A. T. Demarest & Co.
 Clark Bros.
 Vogel Bros.
 J. Paulding
 Adolph Bernheimer
 C. Callmann
 John Thompson
 Max Stadler & Co.
 Steiner, Kahn & Co.
 Nichols Bros & Co.
 Forsch Deuzer & Co.
 H. Forbes
 Lewis Young
 R. Carter & Bros.
 D. Hexter
 H. F. Beebe
 J. Draper
 Theo. Kaatz & Co.
 D. L. Schulhoff
 Ferry & Napier
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 C. Oelberman & Co.
 D. H. Arnold & Co.
 Eben Baldwin & Co.
 A. B. Strange
 C. A. Auffmordt & Co.
 L. L. S. Clearman
 J. A. Metcalf
 A. S. Gorham
 W. H. Slavin
 T. W. Fellows
 P. J. Gough
 H. M. Barry
 Thomas A. Davies
 C. J. Lawrence
 W. A. Wood, M. & R. M. Co.
 Eliphalet Wood
 Lawrence Bros. & Co.
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 J. W. Rosenstein
 William Brugiere
 Ballin, Joseph & Co.
 S. Loeb
 Clodius & Tescherdorff
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 H. V. Allen & Co.
 Dominick & Haff
 Robbins & Appleton
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 Union White Lead Manuf'g Co.
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 Benjamin H. Field
 H. B. Livingston
 Philip Schuyler
 W. D. Morgan
 W. H. Schieffelin
 Temple Prime
 Henry L. Slote
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 T. M. Robinson
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A. Schiffer
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 Henry Hentz & Co.
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 R. P. McDougall
 A. N. Selter
 Robert B. Forsyth
 D. C. Hipkins
 John R. Barrett
 George Staber
 D. G. Watts
 N. W. Emerson
 F. F. Dufais
 Thos. A. Patterson
 William Tubbs
 P. H. Williams, Jr.
 C. E. Rich
 Ch. Munzinger
 Stein Manufacturing Co.
 D. Huntington
 J. Q. A. Ward
 T. Addison Richards
 H. W. Robbins
 Charles Calverley
 Jervis M'Entee
 J. G. Brown
 Alfred Jones
 Edward Gay
 J. C. Nicoll

SENATE BILL.

AN ACT to provide for the Cleaning of the Streets of the City of New York, for the Removal of Snow and Ice therefrom, and for the Collection of Ashes, Garbage, and Street Sweepings of said City and the disposal of the same.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The Mayor of the City of New York shall have power and authority for, and is hereby charged with the duty of thoroughly cleaning and keeping clean, at all times, all the public avenues, streets, lanes, alleys, places—not in any public park of said city—wharves, piers and heads of slips therein, and of removing from said city, or otherwise disposing of all street sweepings, ashes, garbage, and, as far as may be practicable, snow and ice, and of enforcing the provisions of this act. He shall appoint, and may remove at pleasure, a Superintendent of Street Cleaning, who shall be paid a salary at the rate of five thousand dollars per annum, and who, in addition to the authority conferred and duties imposed upon him by this act, shall possess all the powers and be charged with all the duties now vested in or imposed upon the Inspector of Street Cleaning, and not inconsistent with the provisions of this act.

§ 2. The said Superintendent of Street Cleaning shall have the general

superintendence and direction, subordinate to the Mayor, of cleaning the streets and removing ashes and garbage and other material. He shall, subject to the approval of the Mayor, have power to employ and discharge, from time to time, all such clerks, laborers and other employees, and to fix their compensation, as shall be necessary and proper in executing the duties hereby imposed upon him, and may make, and from time to time alter, rules and regulations for their government. The said Superintendent shall also, subject to the approval of the Mayor, have power to hire or purchase, at current market prices, horses, carts, steamtugs, scows, boats, vessels, machines, tools, and other property required for the economical and effectual performance of said duty.

Whenever the said Superintendent shall deem it necessary he shall, with the approval of the Mayor expressed in writing, and he is hereby authorized to sell at public auction any plant, material, horses, carts, scows, or other property used in any way in connection with the work of cleaning the streets of the City of New York, and pay over the proceeds of such sales to the treasury of the city. The said Superintendent is hereby authorized, by and with the approval of the Mayor, to hire or lease suitable and sufficient offices for the transaction of the business under his charge, and also such stables and other buildings as may from time to time be necessary.

§ 3. The work of street sweeping and cleaning and the collection and removal of sweepings, ashes, garbage, snow and ice, and other material, and the removal thereof from the city, shall be done by day's work, by contract, or in such manner as the said Mayor may deem expedient, and such work may be done partly by day's work and partly by contract. All contracts shall be entered into on behalf of the city by the Mayor, with adequate security. He shall advertise for proposals in such newspapers in the city as he may designate, not exceeding three in number, to perform the work in such form and manner and on such terms and conditions as he may prescribe. Such proposals may be for the performance of all or such part or portion of the work as the Mayor shall require. Each proposal must be accompanied by a certified check on a solvent banking incorporation in said city, payable to the order of the Comptroller, for five per cent. of the amount for which the work bid for is proposed in any one year to be performed. From the proposals so received the Mayor may select the bid or bids, the acceptance of which will, in his judgment, best secure the efficient performance of the work, or he may reject any or all of said bids. On the acceptance of any bid by the Mayor, the checks of the unaccepted bidders shall be returned to them, and upon the execution of the contract the check of the accepted bidder shall be returned to him. All contracts provided for in this section shall be made and entered into for periods not exceeding five years, and shall be filed in the office of the Comptroller of the City of New York. The sureties upon all contracts hereby authorized shall be approved by the Comptroller, and all contracts and bonds securing the same shall be approved as to form by the Counsel to the Corporation.

§ 4. It shall be lawful for the Mayor, and he is hereby authorized and empowered to make, from time to time, such rules and regulations as he may determine to be necessary to have the work covered by this act, of cleaning and keeping clean the streets, thoroughly and effectually performed; and also

for having the snow and ice removed from such of the streets and avenues of the city as he may select, or any part or portion thereof. All such rules and regulations shall have the force and effect of ordinances of the city, and shall be obeyed and enforced as such. Any violation of the provisions thereof shall be treated as for a misdemeanor and published by a fine not exceeding twenty-five dollars for each offence.

§ 5 It shall be the duty of the officers of the police force of the Police Department of the City of New York, in addition to any other officers charged therewith by law, to enforce the rules and regulations of the Mayor made under this act, the ordinances of the Sanitary Code and the provisions of this act: to arrest all persons violating the same, and to report to the Superintendent of Street Cleaning the condition of the streets and all violations of the rules and regulations established under the provisions of this act. The Superintendent of Street Cleaning shall have the use of the police telegraph.

§ 6. The department, bureau, or city officer, authority or authorities, which shall from time to time have the management and control of the public docks, piers, and slips of said city, shall designate and set apart for the use of the Superintendent of Street Cleaning, or persons designated by him, such suitable and sufficient slips, piers, and berths in slips upon any part of the North or Hudson and East Rivers, as shall be convenient and necessary for his use in executing the duties hereby imposed upon him, except slips, docks, or piers on the East River set apart for the use of canal boats. The said Superintendent may, with the approval in writing of the Mayor, lease piers, slips or wharves for the necessary purpose of the duties by this act conferred, whenever suitable piers, slips, or wharves owned by or under the control of the city cannot be obtained, or are not set apart and designated as in this section provided.

§ 7. Upon the requisition of the Mayor, and within sixty days after the passage of this act, the Police Department shall turn over to the Superintendent of Street Cleaning all books, papers, records, leases, money accounts, claims, together with all the horses, carts, implements, tugs, scows, boats, and other property belonging to, or in the custody of the said Police Department, and used by the existing Bureau of Street Cleaning, and the said Superintendent shall receipt therefor to the Police Department. The Board of Police Commissioners of the Police Department of the City of New York shall also transfer the control of any and all buildings, stables, and other premises now held and used, or occupied by the said Police Department, not including any premises in the building now used as headquarters of the Board of Police, in the work of cleaning the streets, or any purpose auxiliary thereto, to the said Superintendent of Street Cleaning.

§ 8. Upon requisition of the Mayor, setting forth the necessity for any such appropriation, the Board of Estimate and Apportionment, by a vote of a majority of the members thereof, shall, at any time before the confirmation of the tax levy, in the year one thousand eight hundred and eighty-one, appropriate such moneys as may be necessary, for the purpose of constructing or purchasing sea-going vessels to be used in conveying street sweepings, ashes and garbage to sea, or for the purpose of cleaning the streets and removing snow and ice, or for building crematories or furnaces for burning street refuse

or leasing or purchasing lands therefor. Any appropriation or appropriations so made by the Board of Estimate and Apportionment shall be added to the amount appropriated in the final estimate for street cleaning for the year one thousand eight hundred and eighty-one, and the Comptroller of said city shall certify the same to the Board of Aldermen, and the same shall be raised and collected according to law, and revenue bonds shall be issued therefor in like manner as for the other expenditures of the City Government during the said year.

§ 9. Expenditures under this act, made and to be made from time to time, shall be provided for and paid in the same manner as other expenses of the City Government, and all balances of appropriation made by the Board of Estimate and Apportionment for cleaning the streets under the Police Department, remaining unexpended at the time of the passage of this act, in excess of liabilities incurred by said Police Department for street cleaning, shall constitute a fund for the purposes of this act, and all bills and pay-rolls for expenditures under this act shall be certified by the Superintendent of Street Cleaning and approved by the Mayor, before presentation to the Finance Department for audit and payment. Said Superintendent of Street Cleaning shall render a monthly statement, under oath, to the Comptroller, showing the number and names of all persons employed by him during the preceding month, and the amount paid to each of them, and the particular kind of work in which each of them was employed during the month, which said statement shall be published monthly in the *City Record*.

§ 10. The Superintendent of Street Cleaning, with the approval of the Mayor, may provide for cremating or burning street refuse or garbage, and may, through the Commissioners of the Sinking Fund, lease or purchase land for the erection thereon of suitable crematories or furnaces.

§ 11. All the powers and authority in regard to the cleaning of the streets heretofore conferred on the Board of Police, or on any officer of the Police Department, are hereby transferred to and vested in the Mayor of said city; and it is hereby enjoined on the Boards of Health and Police, respectively, of the City of New York, and the Police Justices of said city, to aid and assist the said Mayor in the exercise of the authority by this act conferred.

§ 12. The Mayor shall cause to be enforced the provisions of the Sanitary Code of the Board of Health of the City of New York requiring that separate receptacles be provided for ashes and rubbish, and for garbage and liquid substances, and forbidding that the same be placed or kept in the same receptacle, and he shall see that the streets and sidewalks are kept free from incumbrance by said receptacles, except at such times as he may specify for the collection of their contents; and for violation of any of the said provisions of said code both the owners and occupants of all houses in the City of New York shall be severally responsible and subject to the penalties and prosecutions imposed by the said code, and all other provisions of said code and of the city ordinances relative to the cleanliness of the streets; and the Mayor is empowered to institute prosecutions and suits for penalties for the violation of any such provisions, in the name of the Mayor, Aldermen and Commonalty of the City of New York.

§ 13. It shall be lawful for the Superintendent of Street Cleaning to cause to be dumped, or authorize to be dumped, snow and ice into the waters of the East and North Rivers.

§ 14. The several provisions of chapter six hundred and seventy-seven of the laws of eighteen hundred and seventy two, and of section sixty seven of chapter three hundred and thirty-five of the laws of eighteen hundred and seventy three, and all other acts or parts of acts, so far as they are inconsistent herewith, are hereby repealed.

§ 15. No expenditure shall be made and no liability incurred, under this act, in excess of appropriations previously made therefor, except as the same may arise under contracts entered into in pursuance of the provisions of this act, and the expenditure made under such contracts, exclusive of any special appropriations directed by section eight of this act, shall not, in the aggregate, exceed, in one year, the sum of one million dollars.

§ 16. This act shall take effect immediately.

PROTEST AGAINST SUBSTITUTING PRESIDENT OF BOARD OF HEALTH IN PLACE OF THE MAYOR IN THE STREET CLEANING BILL.

To the Honorable the Legislature of the State of New York, in Senate and Assembly convened :

The undersigned composing the Committee of Twenty-one, appointed at the mass meeting at Cooper Institute on the 18th of March, irrespective of party or party politics, object to and protest against the substitution of the President of the Board of Health for the Mayor, as the official charged with the work in the Street Cleaning Bill, and the substitution of any other official in the place of the Mayor, or the creation of any Board of Street Cleaning.

The Mayor, as the head of the City Government, as an elective officer directly responsible to the people, and because he is prepared to undertake and perform the work, has been selected by the public of the City of New York therefor with singular unanimity.

Confiding this duty to the head of any department already overworked, or the organization of a new Board to undertake it, weakens responsibility, prevents a radical change of system, and renders the removal of an incompetent official almost impossible.

The change proposed in the Bill introduces politics and political patronage, and simply perpetuates the present system under a new name.

Any substantial change in the Bill, as passed by the Senate, or delay in its passage, must be injurious.

NEW YORK, *April 2d*, 1881.

D. Willis James,
Thatcher M. Adams,
James Gallatin,
Samuel D. Babcock,
John L. Cadwalader,
Morris K. Jesup,
Cornelius Vanderbilt,
Richard H. Derby, M.D.,
John C. Peters, M.D.,
Charles H. Marshall,

Wm. Cole,
Edward Patterson,
Walter H. Lewis,
Lawrence Turnure,
James Talcott,
Brayton Ives,
Jesse Seligman,
Wm. F. Bridge,
Jackson S. Schultz,
Henry E. Pellew,

} *Committee.*

R. T. Auchmuty,

STREET CLEANING BILL AS FINALLY PASSED.

CHAPTER 367.

AN ACT to create a Department of Street Cleaning in the City of New York, and to provide for the cleaning of the streets of said city, for the removal of snow and ice therefrom, and for the collection of ashes, garbage, and street sweepings, and the disposal of the same.

Passed May 26, 1881; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. In addition to the Departments in the City of New York provided for by Chapter three hundred and thirty-five of the Laws of eighteen hundred and seventy-three, together with the Acts supplementary to and amendatory thereof, there is hereby created a Department of Street Cleaning, which shall have exclusive charge of the cleaning of streets, and the removal of ashes and garbage in said city. The head of said Department shall be called the Commissioner of Street Cleaning. He shall be appointed by the Mayor, with the approval of the Board of Health, but if, after three ballots, the said Board shall fail to confirm or reject, by a majority vote, any person nominated by the Mayor, two affirmative votes shall be sufficient for his confirmation. He shall be subject to removal by the Mayor whenever the Mayor shall certify that in his judgment such removal is required in the public interest, but with the approval of the Board of Health; but if after three ballots the said Board of Health shall fail to approve of such removal, then two affirmative votes of said Board of Health shall be sufficient for his removal. He shall be paid a salary of six thousand dollars per annum, payable monthly, and shall hold his office for six years, and until his successor be appointed, unless sooner removed. The provisions of Section twenty-five of the aforesaid Chapter shall not be applicable to the office of Commissioner hereby created.

SEC. 2. Said Commissioner shall have power and authority, and is hereby charged with the duty of cleaning the streets of said city, which shall include all the public avenues, streets, lanes, alleys, places, wharves, piers, and heads of slips therein, except such as are within any park under the control and management of the Department of Public Parks, to be thoroughly cleaned and kept clean at all times; and of removing from said city or otherwise disposing of, as often as the public health and use of the streets may require, all street sweepings, ashes and garbage, and of removing new fallen snow from leading thoroughfares, and such other streets and avenues as may be found practicable. The expenses of said Department of Street Cleaning shall be provided for in the same manner as the expenses of other departments under the said Chapter three hundred and thirty-five of the Laws of eighteen hundred and seventy-three, and the Acts supplemental to and amendatory thereof, but in no case shall the amount expended by said Commissioner exceed the amount appropriated for his said department by the Board of Estimate and Apportionment. Said Commissioner shall file with the Comptroller of said

city, monthly, a statement, under oath, showing the number and the names of all persons employed by him during the preceding month, and the amount paid to each of them, and the particular kind of work in which each of them shall have been employed during such month.

SEC. 3. Said Commissioner shall have power to engage, and in his discretion discharge, from time to time, all such clerks, laborers and other employees, and to fix their compensation, as shall be necessary and proper in executing the duties hereby imposed upon him; and may make, and from time to time alter, rules and regulations for their government. But the compensation and wages of such clerks, laborers and other employees shall not exceed the current market rate paid for similar services in private business. The said Commissioner shall also have power to hire or purchase for his use as such Commissioner, at current market prices, horses, carts, steam-tugs, scows, boats, vessels, machines, tools and other property required for the economical and efficient performance of said duty; or contract for the construction of any such tugs, scows, boats, vessels or machines; the title to which property so purchased shall be in the Mayor, Aldermen and Commonalty of the City of New York. All such hirings or purchases, or contracts, however, exceeding one thousand dollars in amount at any one hiring or purchase, shall be by contract, let to the lowest bidder therefor, founded on sealed proposals or bids, made in compliance with public notice advertised in the *City Record*; such notice to be published at least ten days prior to the opening of such proposals or bids. Whenever the said Commissioner shall deem it necessary, he shall, and he is hereby authorized so to do, sell at public auction any plant, material, horses, carts, scows or other property used in any way in connection with the work of cleaning the streets of the City of New York. The said Commissioner is hereby authorized to hire or lease suitable and sufficient offices for the transaction of the business under his charge, and also such stables and other buildings as may from time to time be necessary.

SEC. 4. The department, bureau, or city officer, authority or authorities, which shall from time to time have the management and control of the public docks, piers and slips of said city, shall designate and set apart for the use of said Commissioner suitable and sufficient slips, piers and berths in slips, located as the said Commissioner may require, and such as shall be convenient and necessary for his use in executing the duty hereby imposed upon him, excepting slips, docks and piers on the East River set apart for the use of canal boats. The said Commissioner may, with the approval in writing of the Board of Estimate and Apportionment, lease piers, slips or wharves for the necessary purpose of the duties by this act conferred, whenever suitable piers, slips or wharves owned by or under the control of the city cannot be obtained, or are not set apart and designated, as in this section provided.

SEC. 5. In the work of street sweeping and cleaning, and in the collection and removal of street sweepings, ashes and garbage, the men may be provided with some distinctive dress or portion thereof, or some badge designated by said Commissioner, to be so worn that they shall be easily recognized as employees of the department.

SEC. 6. Said Commissioner may let out special contracts for periods not

exceeding three years for the work of street sweeping and cleaning, or for the collection of ashes and garbage, or some part thereof, in particular districts, to be designated for that purpose by the said Commissioner, and the terms and conditions of which contracts shall have been first approved by the Board of Estimate and Apportionment, provided that such contracts shall, in all cases, provide for their termination on ten days' notice by the Commissioner, with the approval of the Mayor.

SEC. 7. Said Commissioner shall have power to enter into contracts with responsible persons and parties for the final disposition, for periods not exceeding five years, of all or any part of the said street sweepings, ashes or garbage when collected, provided always that such contracts shall be approved, both as to terms and conditions, by the Board of Estimate and Apportionment of said city. All contracts shall be entered into on behalf of the city by the Commissioner, with adequate security. He shall advertise for proposals in such newspapers in the city as he may designate, not exceeding three in number, for ten days, to perform the work in such form and manner and on such terms and conditions as he may prescribe. Such proposals may be for the performance of all or such parts or portions of the work as he shall require. Each proposal must be accompanied by a certified check on a solvent banking incorporation in said city, payable to the order of the Comptroller, for five per centum of the amount for which the work bid for is proposed in any one year to be performed. From the proposals so received he may select the bid or bids, the acceptance of which will, in his judgment, best secure the efficient performance of the work, or he may reject any or all of said bids. On the acceptance of any bid by him, the checks of the unaccepted bidders shall be returned to them, and upon the execution of the contract the check of the accepted bidder shall be returned to him. The sureties upon all contracts hereby authorized shall be approved by the Comptroller, and all contracts and bonds securing the same shall be approved as to form by the Counsel to the Corporation.

SEC. 8. Upon the organization of the department hereby created and notice thereof from said Commissioner to the Police Department of the said city, all books, papers, records, property, leases, moneys, accounts, claims, and things of every kind and description belonging to or in the custody of the said Police Department, and used by the existing Bureau of Street Cleaning in the work of cleaning the streets in the said city, or of the removal of ashes and garbage, shall be transferred by the said Police Department to the Department of Street Cleaning herein created, and until such transfer takes place the said Police Department shall continue the work of street cleaning and removal of ashes and garbage, as now provided by law. At the same time that the above mentioned transfer takes place the Comptroller of the said city shall transfer to the credit of the Department of Street Cleaning any unexpended balances for street cleaning purposes that may be at that time standing to the credit of the Police Department in excess of liabilities incurred by said Police Department for street cleaning.

SEC. 9. The said Commissioner of Street Cleaning, with the approval of the Mayor, may provide for cremating or burning street refuse or garbage, and may, through the Commissioners of the Sinking Fund, lease or purchase land for the erection thereon of suitable crematories or furnaces.

SEC. 10. It shall be lawful for the Commissioner of Street Cleaning to cause to be dumped snow and ice from the ends, or near the ends, of any piers into the waters of the East and North or Hudson Rivers. But no dead animals, carrion, street sweepings, garbage, or any putrid, offensive, decaying or refuse vegetables or animal matter, shall be deposited in violation of chapter four hundred and sixty-three of the laws of one thousand eight hundred and eighty.

SEC. 11. Nothing in this act shall be construed as affecting in any way the powers of the Board of Health of the Health Department of the said city; but the said Board of Health shall cause to be enforced the provisions of its Sanitary Code, requiring that separate receptacles be provided for ashes and rubbish and for garbage and liquid substances, and forbidding that the same be placed or kept in the same receptacle, and requiring the streets and sidewalks to be kept free from incumbrance by such receptacles except at such times as may be designated by the Commissioner of Street Cleaning for the collection of their contents; and for violation of any of the said provisions of said code, both the owners and occupants of all houses in the City of New York shall be severally responsible and subject to the penalties and prosecutions imposed by the said code, and all other provisions of said code and of the city ordinances relative to the cleanliness of the streets; and the said Board of Health is empowered to institute prosecutions and suits for penalties for the violation of any such provisions in the name of the Mayor, Aldermen and Commonalty of the City of New York.

SEC. 12. The several provisions of chapter six hundred and seventy-seven of the laws of eighteen hundred and seventy-two, and of section sixty-seven of chapter three hundred and thirty-five of the laws of eighteen hundred and seventy-three, and all other acts and parts of acts inconsistent herewith, are hereby repealed.

SEC. 13. Upon requisition of the Commissioner of Street Cleaning, setting forth the necessity for any such appropriation, and the specific purposes to which it is to be applied, the Board of Estimate and Apportionment may, at its discretion, at any time before the confirmation of the tax levy in the year one thousand eight hundred and eighty-one, appropriate money for the purpose of constructing or purchasing sea-going vessels to be used in conveying street sweepings, ashes and garbage to sea, or for the purpose of cleaning the streets and removing snow and ice, or for building crematories or furnaces for burning street refuse, or leasing or purchasing lands therefor, but the moneys so appropriated shall not in the aggregate exceed three hundred and fifty thousand dollars; and any requisition for money for the purpose of purchasing such vessels shall be accompanied by plans and specifications of such vessels. Any appropriation or appropriations so made by the Board of Estimate and Apportionment shall be added to the amount appropriated in the final estimate for the year one thousand eight hundred and eighty-one, and revenue bonds shall be issued therefor in like manner as for the expenditure of the City Government during the said year, and the amount so appropriated shall be added to the tax levy for the year one thousand eight hundred and eighty-one.

SEC. 14. This act shall take effect immediately.

STATE OF NEW YORK, }
Office of the Secretary of State, } ss.:

I have compared the preceding with the original on file in this office, and do hereby certify that the same is a correct transcript therefrom, and of the whole of said original law.

Given under my hand and the seal of office of the Secretary of State, at the City of Albany, this twenty-seventh day of May,
 [SEAL.] in the year one thousand eight hundred and eighty-one.

JOSEPH B. CARR,
Secretary of State.

MEMBERS OF THE ASSEMBLY WHO VOTED AGAINST THE
 SENATE BILL.

James Armstrong
 Benjamin F. Baker
 Lewis Beach
 Solomon K. Bemiss
 George Bingham
 Henry Binninger
 Truman Boardman
 Samuel H. Bradley
 George Campbell
 Alberton A. Carley
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 Isaac S. Carpenter
 Worth Chamberlain
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Albert Howland
 Thomas Hunter
 Harvy J. Hurd
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 William Lewis
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 Edward G. Nowlan
 George M. Palmer
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 Marcus H. Phillips
 James Raines
 John Reitz
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 Rowland Robinson
 Frederick P. Root
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 David Russell
 Kidder M. Scott
 George L. G. Seely
 Albert B. Sheldon
 Frank Sipp
 Hiram Sisson
 Geo. Sharpe (Speaker)
 Marcus Turck
 Hector H. Tuthill
 Cornelius Van Buren
 William H. Waring
 David A. Wells
 L. C. Young

CITY.

Charles E. Brehm
 John R. Brodsky
 A. W. Williams

Robert Ray Hamilton
 Dr. Isaac I. Hayes
 Wm. J. Trimble

MEMBERS OF THE ASSEMBLY WHO VOTED IN FAVOR OF THE
SENATE BILL.

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J. Stanley Browne
John W. Browning
George E. Bulmer
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Charles W. Dayton
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Constantine Donoho
Henry L. Duguid
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James Fanning
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Jeremiah Higgins
Henry C. Hoffman
James W. Husted
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Thomas Smith, Jr.
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James W. Steele
Jacques J. Stilwell
Barnis C. Strait
Frederick Thilemann, Jr.
Lawrence J. Tormey
Patrick J. Tully
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